

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79139080
LAW OFFICE ASSIGNED	LAW OFFICE 105
MARK SECTION (no change)	
ARGUMENT(S)	
The Examining Attorney for the Trademark Office has refused registration of the mark JOY, based on registrations for the marks MEDJOY and MEDIJOY owned by Kabushiki Kaisha Top (hereinafter, "Top"). These registrations cover a wide range of goods in Class 10, including "hearing aids for the deaf." Applicant submits that there is no likelihood of confusion between the marks JOY and MEDJOY or MEDIJOY because the marks look and sound different and will have different commercial impressions. Further, investigations into Top's use of the mark MEDJOY and MEDIJOY show no evidence of the use of the mark in connection with hearing aids or other assistive listening devices. Thus, these marks should not continue to block the instant Applicant with respect to these goods.	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/mam/
SIGNATORY'S NAME	Marie Anne Mastrovito
SIGNATORY'S POSITION	Attorney for Applicant
SIGNATORY'S PHONE NUMBER	212 949 9022
DATE SIGNED	03/02/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Mar 02 16:34:34 EST 2015
TEAS STAMP	USPTO/RFR-216.75.92.26-20 150302163434333182-791390 80-530385fbfd8e07f272726e 1a2791162b425f38642a9f7a8 23a86863ba6df2706263-N/A- N/A-20150302163100488121

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **79139080** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

The Examining Attorney for the Trademark Office has refused registration of the mark JOY, based on registrations for the marks MEDJOY and MEDIJOY owned by Kabushiki Kaisha Top (hereinafter, "Top"). These registrations cover a wide range of goods in Class 10, including "hearing aids for the deaf." Applicant submits that there is no likelihood of confusion between the marks JOY and MEDJOY or MEDIJOY because the marks look and sound different and will have different commercial impressions. Further, investigations into Top's use of the mark MEDJOY and MEDIJOY show no evidence of the use of the mark in connection with hearing aids or other assistive listening devices. Thus, these marks should not continue to block the instant Applicant with respect to these goods.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /mam/ Date: 03/02/2015

Signatory's Name: Marie Anne Mastrovito

Signatory's Position: Attorney for Applicant

Signatory's Phone Number: 212 949 9022

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79139080

Internet Transmission Date: Mon Mar 02 16:34:34 EST 2015

TEAS Stamp: USPTO/RFR-216.75.92.26-20150302163434333

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